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Amendment
Serial No. 10/792,322REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending and stand rejected. Claims 1, 6, and 16 are independent claims. Claims 1, 16, and 16 have been amended.

Claims 1-20 stand rejected under 35 USC §112, first paragraph for failing to comply with the written description.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the independent claims have been amended to specifically recite that the difference in said mode partition noise between channels is reduced.

With regard to the rejection of the claims, the specification teaches in Figure 5 and page 6, lines 12-13 that a conventional Fabry-Perot laser exhibits noise within a range of about -120 to -130 dBm/Hz and that in contrast the noise in accordance with the present invention has a noise of about -100 to -110 dBm/Hz. Figure 6 also shows that the noise is substantially constant (between -90 and -100). The specification then specifically states that "[n]oise, as illustrated in the graphs, is **increased** in the present invention." (emphasis added).

For at least this reason alone, applicant submits that the specification teaches the increasing of the mode partition noise to a substantially constant level as is recited in the claims.

However, the applicant has elected to amend the claims to recite that the difference in the mode partition noise is reduced. No new matter has been added. Support for the amendment may be found at least on page 6, line 20 to page 7, line 1.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection has been overcome and applicant respectfully requests

Amendment
Serial No. 10/792,322

that the rejection be withdrawn.

Claims 1, 2, 4, 5, 16, 17, 19 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lee *et al.* (U.S. Pub. 2003/0142978) ("Lee1") in view of Lee *et al.* (U.S. Pub. 2001/0004290) ("Lee2") and further in view of Watanabe (U.S. 6,847,758) ("Watanabe").

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the claims have been amended to recite "the difference in said mode partition noise between channels is reduced," as describe above.

The Lee1, Lee2 and Watanabe reference were recited by the Examiner in rejecting the claims in the prior Office Action, thus applicant's remarks made in response to the rejection of the claims in the prior response are applicable to the rejection of the claims in the instant Office Action and repeated, as if in full, herein.

However, contrary to the teachings of the cited references none of the references teach that the difference in the mode partition noise between channels is reduced.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case has not been made as each of the elements recited in the claims 1 and 16 are not disclosed by the combination of Lee1, Lee2 and Watanabe.

Accordingly, for the amendments made to claims 1 and 16, applicant submits that the rejection has been overcome and Applicant respectfully requests that the rejection be withdrawn.

The remaining claims depend from claims 1 and 16, respectively, and were rejected for

Amendment
Serial No. 10/792,322

being dependent upon a rejected claim. Thus, for the amendments made to claims 1 and 16, the rejection of the remaining claims has also been overcome and applicant respectfully requests that the rejection be withdrawn.

Claims 6 and 10-15 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lee1 in view of Joo *et al.* (U.S. Pub. 2002/00141046) ("*Joo*") and further in view of Watanabe.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, claim 6 has been amended to recite the element "the difference in said mode partition noise between channels is reduced," which is similar to the amendment made to claim 1.

In this case, the combination of Lee1, Joo and Watanabe does not render obvious the subject matter claimed in claim 6 as Lee1 fails to teach reducing the difference in the mode partition noise between two channels, as is recited in the claims.

Accordingly, for the amendments made to claim 6, the rejection has been overcome and Applicant respectfully requests that the rejection be withdrawn.

The remaining claims depend from claim 6, and were rejected as being dependent upon a rejected claim. Thus, for the amendments made to claim 6, the rejection of the remaining claims has been overcome and Applicant respectfully requests that the rejection be withdrawn.

Claims 7 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lee1 in view of Joo and further in view of Watanabe.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. Claim 7 depends from claim 6 and that for the arguments presented with regard to claim 6, claim 7 is also not rendered obvious in view of the cited references.

Amendment
Serial No. 10/792,322

Accordingly, for the amendments made to claim 6, the rejection of claim 7 has been overcome and Applicant respectfully requests that the rejection be withdrawn.

Claims 3 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lee1 and Lee2 in view of Kim *et al.* ("A low-cost WDM Source with an ASE injected Fabry-Perot Semiconductor Laser.").

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. Claims 3 and 18 depend from claims 1 and 16, respectively, and claims 1 and 16, as amended, include subject matter not recited in Lee1, Lee2 and Watanabe. Kim fails to provide any teaching to correct the deficient found in the combination of Lee1, Lee2 and Watanabe. Hence, the subject matter recited in claims 3 and 18 is not rendered obvious by Lee1, Lee2, Watanabe and Kim because all the elements recited in the claims are not found in the cited references.

Accordingly, for the amendments made to claims 1 and 16, the rejection of claims 3 and 18 have also been overcome and Applicant respectfully requests that the rejection be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lee1 and Joo and Watanabe and Lee2 as applied to claims 6 and 7 and further in view of Deng *et al.* (US 2002/0196491).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. Claims 8 and 9 ultimately depend from claim 6 and claim 6, as amended, includes subject matter not recited in Lee1, Joo and Watanabe. Hence, claims 8 and 9 are also allowable because there are no teachings in the Deng reference to correct the deficiencies found in the combination of Lee1, Lee2, Joo, and Watanabe.

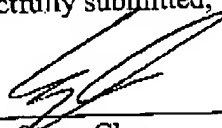
Accordingly, for the amendments made to claim 6, the rejection of claims 8 and 9 have

Amendment
Serial No. 10/792,322

also been overcome and Applicant respectfully requests that the rejection be withdrawn

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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